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7 *City of Henderson, Nevada*
Henderson Police Department and
8 *Chief Thedrick Andres*

9
10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 ***

13 MICHAEL LEWIS, Individually and as
Administrator of the Estate of KEVIN LEWIS,
14 Deceased; MICHAEL LEWIS as Guardian Ad
Litem of LUKE ARTHUR LEWIS, a minor,
15 and EMBER LYNN LEWIS, a minor, as heirs
of the Estate of KEVIN LEWIS, Deceased,

16 Plaintiff,

17 vs.

18 CITY OF HENDERSON, NEVADA, a
political subdivision of the State of Nevada;
19 HENDERSON POLICE DEPARTMENT, a
political subdivision of the State of Nevada;
20 THEDRICK ANDRES, individually and as
policy maker and Chief of CITY OF
21 HENDERSON POLICE DEPARTMENT;
DOE HENDERSON POLICE OFFICERS I
22 through X; LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, a political
23 subdivision of the State of Nevada; SHERIFF
JOE LOMBARDO, individually and as policy
24 maker of LAS VEGAS METROPOLITAN
POLICE DEPARTMENT; DOE LAS VEGAS
25 METROPOLITAN POLICE DEPARTMENT
OFFICERS, I through X; DOES I through X;
26 and ROE ENTITIES, I through X, inclusive,

27 Defendants.
28

CASE NO. 2;21-cv-1128-APG-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[SIXTH REQUEST]

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES - [SIXTH REQUEST]**

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case ninety (90) days, up to and including Monday, October 9, 2023. In addition, the parties request that ~~the~~ all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as follows:

1. On June 15, 2021 Plaintiff filed his Complaint in the Eighth Judicial District Court.
2. On July 15, 2021, Defendants LVMPD and Lombardo filed their Answer to Complaint.
3. On August 13, 2021, Defendants City of Henderson, Henderson Police Department and Chief Thedrick Andres filed their Answer to Complaint.
4. On August 16, 2021, the parties conducted an initial FRCP 26(f) conference.
5. On August 24, 2021, the Court entered the Stipulated Discovery Order.
6. On August 27, 2021, Defendants LVMPD and Lombardo served their FRCP 26 Initial Disclosures on the parties.
7. On August 30, 2021, Plaintiff served his FRCP 26 Initial Disclosures on the parties.
8. On August 30, 2021, Defendants City of Henderson, Henderson Police Department and Chief Thedrick Andres served their FRCP 26 Initial Disclosures on the parties.
9. On September 15, 2021, Defendants LVMPD and Lombardo served written discovery on Plaintiff.
10. On September 27, 2021, Defendants City of Henderson, Henderson Police Department and Chief Thedrick Andres served written discovery on Plaintiff.
11. On September 29, 2021, Plaintiff served written discovery on Defendants Las Vegas Metropolitan Police Department and Henderson Police Department. The LVMPD defendants responded to Plaintiffs' written discovery request on October 18, 2021. Defendant Las Vegas Metropolitan Police Department served

1 their responses on October 18, 2021. Defendant Henderson Police Department
2 responded to Plaintiff's written discovery on January 5, 2022.

3 12. On October 15, 2021, Plaintiff served his responses to Las Vegas Metropolitan
4 Police Department's written discovery.

5 13. On October 18, 2021 the LVMPD Defendants served its First Supplement to 26.1
6 Disclosures.

7 14. On October 27, 2021, Plaintiff served his responses to Henderson Police
8 Department's written discovery.

9 15. On October 29, 2021, Plaintiffs served their First Supplement to 26.1 Disclosures.

10 16. On December 6, 2021, Defendants City of Henderson, Henderson Police
11 Department, and Chief Thedrick Andres served their First Supplement to 26.1
12 Disclosures.

13 17. On January 5, 2022, Defendants City of Henderson, Henderson Police Department,
14 and Chief Thedrick Andres served their Second Supplement to 26.1 Disclosures.

15 18. On January 5, 2022, Defendants City of Henderson supplemented their responses to
16 Plaintiffs' requests for production of documents.

17 19. On March 2, 2022, Plaintiffs supplemented their responses to Defendant LVMPD's
18 requests for admissions.

19 20. On March 8, 2022, Plaintiffs supplemented their responses to Defendant LVMPD's
20 requests for production of documents.

21 21. On March 8, 2022, Plaintiffs served their Second Supplement to 26.1 Disclosures.

22 22. On March 9, 2022, Plaintiffs supplemented their responses to Defendant LVMPD's
23 interrogatories.

24 23. On April 19, 2022, Plaintiffs served second sets of requests for production and
25 interrogatories to Defendant LVMPD.

26 24. On April 19, 2022, Plaintiffs served second sets of requests for production and
27 interrogatories to Defendants City of Henderson.

28 25. On April 29, 2022, Plaintiffs deposed Vernon Maniago.

26. On May 19, 2022, Defendant LVMPD served multiple Subpoena Duces Tecums.
27. On May 24, 2022, Plaintiffs served their Third Supplement to Their Initial Rule 26 Disclosures.
28. On June 2, 2022, Defendants City of Henderson responded to Plaintiffs' second set of requests for production and interrogatories.
29. On June 2, 2022, Defendant City of Henderson served a Fifth Supplement to 26.1 Disclosures.
30. On June 3, 2022, Defendant LVMPD responded to Plaintiffs second set of requests for production and interrogatories.
31. On June 3, 2022, Defendant LVMPD served a Second Supplement to 26.1 Disclosures.
32. On June 14, 2022, Defendant LVMPD served a Third Supplement to 26.1 Disclosures.
33. On June 30, 2022, Plaintiffs deposed Rosaline Bennett.
34. On July 8, 2022, Plaintiffs deposed Rubin Saveedra, M.D.
35. On July 20, 2022, Defendant LVMPD served a Subpoena Duces Tecum upon Naphcare.
36. On July 21, 2022, Defendant LVMPD served a Subpoena Duces Tecum upon Henderson Hospital.
37. On August 18, 2022, Defendant LVMPD served its Fourth Supplement to 26.1 Disclosures.
38. On September 21, 2022, Plaintiffs deposed Dennis R. Pearson, RN.
39. On September 30, 2022, Plaintiffs requested additional records from American Medical Response, McDermott Funeral Home, and Las Vegas Fire Department.
40. On October 3, 2022, Plaintiffs deposed Dale Baker, RN.
41. On December 14, 2022, Plaintiffs deposed Kristie Irene Cyr.

DISCOVERY REMAINING

1. The parties will continue participating in written discovery.
2. The parties will collect the plaintiffs' medical records.
3. Defendants will depose Plaintiff, Michael Lewis and witnesses Carre Lewis, Ashley Ember Allen and Margaret Tracey.
4. Plaintiffs will depose the Defendants and the Defendants' FRCP 30(b)(6) witness(es).
5. The parties may depose any and all other witnesses identified through discovery, potentially including treatment providers and personnel whom interacted with Mr. Lewis while in the custody of various Defendants.
6. The parties may conduct depositions of expert witnesses.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to LR 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery to develop their respective cases in chief.

The parties have been diligently moving the case forward. They have been participating in substantive discovery, including exchanging their initial lists of witnesses and documents and supplements thereto, and propounding written discovery.

Counsel for City of Henderson et al. is preparing ~~for~~^{from} trial in John Roberts v. United Services Automobile Association, A-19-790757-C. The trial is set on June 5, 2023 and is expected to last 10 days.

Counsel are collaborating in the setting of the remaining case depositions and aim to have them complete by August 2023.

Counsel Armeni for plaintiffs is out of the jurisdiction for two weeks in the month of June for both State Bar of Nevada business, as well as for family travels. Counsel Armeni currently has a trial set in the matter of the *United States v. Dean Romero*, Case No, 2:22-cr-00049 in the United States District Court commencing on July 25, 2023. That trial will last 3-5 days.

To ensure sufficient time is allotted for party and expert depositions, the parties maintain that the current discovery deadlines must be extended.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline (unless a showing of good cause is present) and must comply fully with LR 26-3.

This is the sixth request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

No weekend dates are included¹:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Tuesday, July 11, 2023</i>	<i>Monday, October 9, 2023</i>
Deadline to Amend Pleadings or Add Parties	<i>Thursday, February 16, 2023</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Thursday, May 11, 2023</i>	<i>Closed</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Friday, June 9, 2023</i>	<i>Thursday, September 8, 2023</i>
Dispositive Motions	<i>Thursday, August 10, 2023</i>	<i>Wednesday, November 7, 2023</i>
Joint Pretrial Order	<i>Monday, September 11, 2023</i>	<i>Monday, December 6, 2023</i>

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

WHEREFORE, the parties respectfully request that this Court extend the discovery period by ninety (90) days from the current deadline of July 11, 2023 up to and including October

¹ A motion is currently pending before the Court as to whether the deadline to Amend/Add parties and claims should be extended. (See Dkt. 35). If that Motion is granted, then the deadline to Amend/Add claims and parties should be included with the proposed deadlines.

9, 2023, and the other dates as outlined in accordance with the table above.

Dated this 18th day of May, 2023.

Dated this 18th day of May, 2023.

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/s/ Robert W. Freeman

/s/ Paola M. Armeni

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Dated this 18th day of May, 2023.

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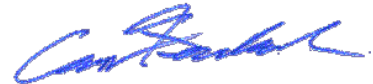
Attorneys for Defendants

LVMPD and Sheriff Joseph Lombardo

ORDER

IT IS SO ORDERED.

Dated this 25th day of May, 2023.



UNITED STATES MAGISTRATE JUDGE

~~UNITED STATES DISTRICT COURT~~

~~JUDGE~~